

REMARKS

Claims 1-34 are pending in the case. The Office Action rejected each of claims 1-17, 19-32, and 34 as follows:

- claims 1, 4, 6-10, 13-14, 16-17, 24, 29-30 and 32 as being anticipated under 35 U.S.C. §102(b) by U.S. Letters Patent 2,923,916 (“Woodworth”);
- claims 1-10, 13-14, 16-17, 24, 29, 30 and 32 as being anticipated under 35 U.S.C. §102(a) and/or (e) by U.S. Letters Patent 6,477,111 (“Lunde”);
- claims 1, 19-20, 29 and 34 as being anticipated under 35 U.S.C. §102(b) by U.S. Letters Patent 4,398,276 (“Kuppenback”);
- claims 5 and 9 under 35 U.S.C. §112, ¶2, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;
- claims 15 and 31 under 35 U.S.C. §112, ¶1, as lacking enablement;

The Office objected to claims 18 and 33 as allowable but for their dependence from rejected base claims. Applicants traverse each of the rejections.

I. REMARKS ON FORMALITIES

The Office did not state whether the drawings have been accepted. Since there was no objection, Applicants presume they have been and request notification if in error.

The Office also indicated that the references cited in the IDS have been considered.

The Office did not treat claims 11-12, 21-23, 25-28, or 34-35 in the Office Action. Applicant notes that the Office mentions “the amendments made to the claims” in retracting the previously made restriction requirement. However, Applicants records do not show any amendments to the claims prior to this paper. Applicants request clarification on what the Office considers the status of these claims to be and, if the Office believes they have been canceled, where they were canceled.

The Office acknowledged Applicants’ claim to priority and assumes that it has been perfected unless notified otherwise.

II. RESPONSE TO SUBSTANTIVE MATTERS

A. ALL CLAIMS ARE NOVEL

An anticipating reference, by definition, must disclose every limitation of the rejected claim in the same relationship to one another as set forth in the claim. M.P.E.P. § 2131; *In re Bond*, 15 U.S.P.Q.2d (BNA) 1566, 1567 (Fed. Cir. 1990). Applicants respectfully submit that, when the references and claims are properly construed in light of the amendments made above, none of the references meets this standard.

1. Claims 1, 4, 6-10, 13-14, 16-17, 24, 29-30 and 32 are Novel over Woodworth

The Office rejected claims 1, 4, 6-10, 13-14, 16-17, 24, 29-30 and 32 as being anticipated under 35 U.S.C. §102(b) by U.S. Letters Patent 2,923,916 (“Woodworth”). Woodworth describes a seismic system including a plurality of clusters of seismic detectors 13, 14, and 15 that are attached to a cable 11. The clusters of seismic detectors 13, 14, and 15 are also coupled in series by a cable 22. However, the cables 11, 22 described by Woodworth are attached at a single point at one end of the cable 22. (*see* Woodworth, Figures 1-2) Consequently, Woodworth does not teach or suggest a signal cable attached to a support cable at “a first plurality of points spaced along the length of the signal cable” as is now recited in independent claims 1 and 29. Document Woodworth also fails to teach or suggest one or more sensor modules disposed on the signal cable proximate second points that are different than the first plurality of points. Claims 1, 4, 6-10, 13-14, 16-17, 24, 29-30 and 32 are therefore novel over Woodworth.

2. Claims 1-10, 13-14, 16-17, 24, 29, 30 and 32 are Novel Over Lunde

The Office Action rejected claims 1-10, 13-14, 16-17, 24, 29, 30 and 32 as being anticipated under 35 U.S.C. §102(a) and/or (e) by U.S. Letters Patent 6,477,111 (“Lunde”). However, the independent claims 1 and 29 have been amended to recite that the attachments along the two cables are at a plurality of points such that the signal cable is mechanically decoupled from the tension support cable. Lunde, on the other, attaches the two cables throughout their length such that they are not mechanically decoupled. Claims 1-10, 13-14, 16-17, 24, 29, 30 and 32 are therefore novel over Lunde.

3. Claims 1, 19-20, 29 and 34 are Novel Over Kuppenback

The Office Action rejected claims 1, 19-20, 29 and 34 as being anticipated under 35 U.S.C. §102(b) by U.S. Letters Patent 4,398,276 (“Kuppenback”). Kuppenback does not teach or suggest a “tension support cable” that is “capable of absorbing tension during deployment of the seismic cable” as each of the independent claims 1 and 29 now recite. The alleged support cable of Kruppenbach (*i.e.*, line 30) does not operate during retrieval. Kruppenbach’s line operates in that capacity only during retrieval.

B. ALL CLAIMS ARE DEFINITE AND ENABLED

1. Claims 5 and 9

The Office rejected claims 5 and 9 under 35 U.S.C. §112, ¶2, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. While Applicants dispute this conclusion, the issue is now moot in light of the cancelation of these claims above.

2. Claims 15 and 31 are Enabled

The Office rejected claims 15 and 31 under 35 U.S.C. §112, ¶1, as lacking enablement for the “zipper mechanism” because “...it is unclear from the specific recitation of the zipper mechanism as to what such mechanism is and how it functions. Zippers are a very old type of fastener—dating back to at least 1851 in the records of the Office, as evidenced by U.S. Letters Patent 8,450. Zippers are ubiquitous in almost all walks of life, and the operation of the slider as controlled by pressure on the puller to engage and disengage the pins is understood by even small children. Indeed, “[t]he zipper is one of the simplest machines of modern times and arguably one of the least essential, but it is an immeasurably useful device in our everyday lives.” www.howstuffworks.com

“The amount of guidance or direction needed to enable the invention is inversely related to the amount of knowledge in the state of the art as well as the predictability in the art.” M.P.E.P. §2164.03. Furthermore, “[a] patent need not teach, and preferably omits, what is well known in the art.” M.P.E.P. §2164.01. Applicants respectfully submit that zippers are so well known and their operation so predictable that their mere mention should be sufficient to enable them.

It is true that in the present invention the zipper's implementation must contemplate water tightness at some depth, but these are everyday considerations with which those ordinarily skilled in the art are thoroughly accustomed to dealing. Furthermore, a search by the undersigned for "waterproof zipper" in the Office's online records on June 25, 2008, produced 42 hits for issued patents dealing with these factors in the context of zippers. It is therefore clear that these issues are not unknown with respect to the implementation of issues.

Applicants therefore respectfully submit that the rejections are improvident. Zippers are extraordinarily well known, they are from a monotonously predictable art, and the issue of waterproofness has already been addressed in that art. Accordingly, Applicants request that the rejections be withdrawn.

III. CONCLUDING REMARKS

Applicants therefore respectfully submit that the claims are in condition for allowance, and requests that they be allowed to issue. The Examiner is invited to contact the undersigned attorney at (713) 934-4053 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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